

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 870
AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION
AND/OR POSSESSION OF AQUATIC LIFE

Section

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AUTHORITY: Implementing and authorized by Sections 1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-105, 1-125, 1-135, 1-140, 1-145 and 20-90].

SOURCE: Adopted July 12, 1974; effective July 24, 1974; codified at 5 Ill. Reg. 10649, amended at 7 Ill. Reg. 14947, effective November 1, 1983; amended at 10 Ill. Reg. 963, effective January 7, 1986; Part repealed, New Part adopted at 13 Ill. Reg. 10503, effective June 20, 1989; amended at 14 Ill. Reg. 11190, effective June 29, 1990; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 27 Ill. Reg. 7741, effective April 21, 2003.

Section 870.10 Aquatic Life Approved Species

- a) For the purposes of Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/20-90], the Aquatic Life Approved Species List is established. The following aquatic life categories will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.
- 1) Amphibians
 - 2) Reptiles
 - 3) Crustaceans
 - 4) Mollusks
 - 5) Gastropods

- 6) Fish
- 7) Plants
- b) Any species not on the Aquatic Life Approved Species List as described in Section 870.10(a) may not be imported or possessed alive without a letter of authorization to import/possess such species, except saltwater species commonly used as seafood which will not survive in freshwater, such as lobsters, clams, mussels, and oysters.
- c) Any species listed as endangered or threatened pursuant to Section 8 of the Illinois Endangered Species Protection Act [520 ILCS 10/8] will be governed by Section 3 of the Illinois Endangered Species Protection Act [520 ILCS 10/3]. As aquatic species are listed endangered or threatened, permit holders will be notified.
- d) Copies of the Aquatic Life Approved Species List may be obtained free of charge by writing to:

Aquaculture Coordinator
Jake Wolf Memorial Fish Hatchery
25410 Fish Hatchery Road
Topeka IL 61567
- e) An Aquaculture Advisory Committee shall be formed to review requests to import/possess aquatic species not included on the Aquatic Life Approved Species List, and to recommend under what conditions species may be imported/possessed to the Chief of the Division of Fisheries. The committee shall be composed of representatives of:
 - 1) The Chiefs of the following divisions of the Department of Natural Resources:
 - A) Fisheries (Chair);
 - B) Wildlife;
 - C) Natural Heritage;
 - D) Law Enforcement.
 - 2) Should they agree to participate:
 - A) The President of the Illinois Aquaculture Industry Association;
 - B) The Chief of the Natural History Survey;

- C) The Aquaculture Coordinator, Department of Agriculture;
 - D) The Director, Southern Illinois University Fisheries Research Laboratory;
 - E) The Chief, Division of Food, Drugs and Dairies, Department of Public Health.
- f) The Chief of the Division of Fisheries shall consider the recommendations of the Aquaculture Advisory Committee prior to rendering final decisions regarding requests to import/possess species not included on the Aquatic Life Approved Species List. The Aquaculture Advisory Committee's recommendations and the decisions of the Chief of the Division of Fisheries shall be based upon the potential detriment to the natural fishery resource.

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.20 Aquaculture Permit Application Requirements

- a) Persons wishing to obtain an aquaculture permit must obtain an aquaculture permit application from: Department of Natural Resources, Aquaculture Permit, P.O. Box 19458, Springfield IL 62794-9458 , and submit the completed application, along with the \$50 fee, to the same address. Upon expiration of their first annual permit, persons wishing to obtain a renewal of their permit should submit renewal forms provided by the Department to the address above.
- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a check or money order for each application.
- c) Applicants wishing to import/possess aquatic life which appears on the Aquatic Life Approved Species List must submit their aquaculture permit application at least 4 weeks prior to such importation/possession.
- d) Applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit their aquaculture permit application at least 8weeks prior to the desired date of such importation/possession.
- e) Importation/possession of aquatic life may not commence until the operator is in possession of an issued aquaculture permit.

Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.30 Aquaculture Facility Requirements

- a) Permit applicants wishing to import/possess aquatic life that appears on the Aquatic Life Approved Species List may apply for a permit prior to completion of their aquaculture facilities.
- b) Permit applicants wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must have an aquaculture facilities plan completed and approved by the Department prior to issuance of the aquaculture permit. Such an issued permit is conditional, pending final inspection. Approval shall be based upon the following:
 - 1) Facilities must be self-contained and not capable of overflowing into other waters of the State and cannot be located on or in a 100 year flood plain, as defined by the Division of Water Resources of the Illinois Department of Natural Resources (17 Ill. Adm. Code 3706), unless such location receives approval by the Department of Natural Resources, based upon the facility's susceptibility to flooding.
 - 2) Self-contained facilities needing draining or discharges of water shall dispose of water:
 - A) into a municipal water treatment facility; or
 - B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or
 - C) as approved by the Department of Natural Resources, pursuant to Section 5.5 of the Fish and Aquatic Life Code [515 ILCS 5/5-5].
 - c) The Department may impose additional conditions in approving a permit, specific to the facility, that are deemed necessary or appropriate for the protection of the State's aquatic resources.

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.40 Aquaculture Operational Rules

- a) Permit holders must request a letter of authorization from the Aquaculture Coordinator for each additional species not on the Aquatic Life Approved Species List they wish to import or possess, and that is not listed on their original permit application. (See Section 870.10(e)).
- b) A letter of authorization from the Department shall be required for each aquatic life species that does not appear on the Aquatic Life Approved Species List. The letter shall be attached to the permit and shall be available for inspection upon request. (See Section 870.10(e)).

- c) In the event that an aquaculturist possessing aquatic life not on the Aquatic Life Approved Species List goes out of business or possesses the aquatic life contrary to The Fish and Aquatic Life Code, the Department shall determine disposition of such aquatic life as deemed necessary, based upon the potential detriment to the aquatic resource.
- d) Permit holders or their heirs or assigns possessing aquatic life not on the Aquatic Life Approved Species List, who cease operation for whatever reason, are required to notify the Department in writing within 30 days after their cessation of business.
- e) When the permit holder who possesses aquatic life not on the Aquatic Life Approved Species List ceases doing business voluntarily or involuntarily, his or her permit expires at the cessation of business. Heirs, assigns or new owners must apply for an aquaculture permit.
- f) Records shall be maintained as required in Sections 20-90 and 20-125 of the Fish and Aquatic Life Code [515 ILCS 5/20-90 and 20-125].
- g) All aquaculture permit holders shall submit to the Department, on forms provided by the Department, by January 31 of each year, an annual report providing information on the previous calendar year's activity for aquatic life bought, sold or shipped. The information required on this annual report shall include:
 - 1) name, address and license number of buyer;
 - 2) name, address and license number of seller;
 - 3) transaction date;
 - 4) species;
 - 5) number of pounds;
 - 6) origin;
 - 7) price paid per pound (optional); and
 - 8) any other information (e.g., receipt number, carrier type, etc.) as required by the Department on the form.
- h) Failure of the aquaculture permit holder to submit the required reports in the manner and time frame specified shall be grounds for refusal by the Department to issue to those individuals a license for the following year until all required reports are received and approved by the Department.

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.50 Unlawful Acts

- a) It is unlawful to release any aquatic life into the waters of this State without first securing permission of the Department to do so, except that the owners of a body of water or their agents may release aquatic life on the Aquatic Life Approved Species List into waters that are wholly on their property. All aquatic life may be released into the waters from which they were taken. (Section 10-100 of the Fish and Aquatic Life Code). Permission will be based upon the potential detriment to the aquatic resource.
- b) It is unlawful for any persons to transport, ship, or convey within the State, any live grass carp or white amur (*Ctenopharyngodon idella*), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), or hybrid grass carp, unless that person has in his possession a "Restricted Species Transportation Permit" issued by the Illinois Department of Natural Resources.
- c) It is unlawful to transport, ship, or convey live trout, salmon, or char into the State unless a salmonid import permit has been issued to the source hatchery, as required by Section 10-105 of the Fish and Aquatic Life Code [515 ILCS 5/10-105]. A copy of the salmonid import permit must accompany each shipment. A salmonid import permit will be issued only if the source hatchery has been inspected within the last 12 months and found free of, but not limited to, the following disease agents: VHS - Viral Hemorrhagic Septicemia Virus; IHN - Infectious Hematopoietic Necrosis Virus; CS - Ceratomyxosis (*Ceratomyxa shasta*); PKD - Proliferative Kidney Disease agent; and/or any other disease agents that are not known to be present in the Great Lakes Basin.
 - 1) A salmonid import permit may be issued for a period of up to 6 months following the inspection of the source hatchery. The salmonid import permit will be reissued if the owner/operator of the source hatchery certifies that there has been no change in the disease status of the source hatchery in the 6 month period following the annual inspection. A bill of sale, listing quantity, species, and hatchery of origin shall be provided to and retained by the final recipient of the fish, until the fish are disposed of.
 - 2) The Department recognizes persons inspecting hatcheries using the methods of diagnosis found in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens" 4th ed., Version 1 (1994), published by the Fish Health Section of the American Fisheries Society or the "Manual of Compliance to the Fish Health Protection Regulations of the Department of Fisheries and Oceans, Canada (1988), (no further amendments or editions are included), as competent in the diagnosis of fish diseases, unless a clearcut conflict of interest exists (such as the

inspector being related to the hatchery owner by blood, adoption, marriage or economic interest).

- d) No live aquatic life not on the Aquatic Life Approved Species List produced at the facilities operated or owned by an aquaculture permit holder may be removed from the site unless they are being transferred to another permit holder who has permission to possess them, or to a fish market as food, or to an aquarium shop.

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.60 Restricted Species Transportation Permit Procedures

- a) A Restricted Species Transportation Permit is required for live grass carp, bighead carp, silver carp, or hybrid grass carp. Restricted Species Transportation Permits are available from the Division of Fisheries, One Natural Resources Way, Springfield IL 62702-1271. Applications must be received by the Division of Fisheries at least two weeks prior to the proposed shipment date. A "Restricted Species Transportation Permit" shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department pursuant to Section 10-105 of the Fish and Aquatic Life Code. Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked and may be possessed only by authorized aquaculture permit holders.
- b) Lake or pond owners are exempt from the "Restricted Species Transportation Permit" requirements while transporting grass carp purchased and obtained in Illinois for stocking in their waters, if they have a signed receipt from an aquaculture permit holder or licensed non-resident fish dealer stating that the grass carp have a triploid number of chromosomes, and the lake or pond owner's name and address is listed on the aquaculturist's "Restricted Species Transportation Permit". A "Restricted Species Transportation Permit" is valid only:
 - 1) on the dates listed on the permit; and
 - 2) for names and addresses listed for delivery on such application/permit.
- c) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.
- d) Except for persons exempt under Section 870.60(b), any person hauling any live triploid grass carp must subject the shipment to examination by the Department of Natural Resources. For a batch of fish containing more than 56 individuals, 56 fish will be tested; for a batch containing fewer than 56 individuals, 100% will be tested.

Section 870.70 Penalties

Any person who violates this Part, falsifies or makes any misrepresentation on his or her application, permit required records, or any other information required to be given to the Department or consumer, shall be subject to penalties described in Sections 5-25, 20-35, 20-90 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/5-25, 20-35, 20-90 and 20-105].

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)

Section 870.80 Exceptions

Except in the case of injurious species, as described in 17 Ill. Adm. Code 805, this Part does not apply to the aquarium industry (those businesses regulated by the Department of Agriculture under the Animal Welfare Act [225 ILCS 605] or State agencies or universities, so long as they are operating in a manner that will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois.

(Source: Amended at 27 Ill. Reg. 7741, effective April 21, 2003)